

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

In re application of: Lee W. Mueller

Conf. No. 1985

Application No.: 09/603,727

Examiner: Wendell, Mark R.

Filed: June 23, 2000

Art Unit: 3635

For: Pre-Assembled Internal Shear Panel

CERTIFICATE OF TRANSMISSION 37 CFR 1.8(a)(1)(C)

I hereby certify that this correspondence, including listed enclosures, is being transmitted to the United States Patent Office via the Patent Office's Electronic Filing System (EFS) on August 6, 2009.

Signed: 

Charles R. Cypher

***INFORMATION DISCLOSURE STATEMENT***

Prosecution in the above-identified application is closed, as the Patent Office has issued a Notice of Allowance. This is a request for continued examination, accompanied by the appropriate fee and this submission, prior to payment of the Issue Fee. The submission constitutes an Information Disclosure Statement only. No changes to the claims are requested.

Applicant believes that no extension of time is required; however, this is a conditional petition and authorization to pay the necessary fees under 37 CFR §1.36(a) to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicant submits herewith patents, publications or other information, of which Applicant is aware that Applicant believes may be material to the examination of this application, and in respect of which, there may be a duty to disclose. The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

This information disclosure statement is accompanied by Form PTO/SB/08 (substitute for Form PTO-1449) Pursuant to Notice of August 5, 2003, copies of cited U.S. patent documents and publications are not enclosed.

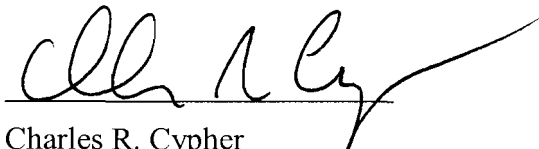
Further, in accordance with the provisions of 37 C.F.R. § 1.98(a)(3) and MPEP § 609(III)(A)(3), Applicant submits that reference no. B1 is not in the English language and submits the following concise statement as to its relevance. Applicants' attorney has in his possession what appears to be a partial translation of this reference and is enclosing this partial translation with the reference.

B1 – Published Japanese Utility Model Publication No. 63-039297

JP 63-039297 appears to disclose a mechanical connection between a substantially planar member 1 and a frame member 3. The connection is made by means of at least one nail 4 that pierces and elongated subsidiary material 3 that has a shearing force greater than that of the planar member 1 and that is disposed near the edge of the planar member 1. The nail 4 terminates within the frame member 3.

As far as is known to the undersigned, this Information Disclosure Statement is being filed before the mailing of a first Office action after the filing of a request for continued examination as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required. While no fee is believed to be due, if this belief is in error the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required for this paper, or credit any overpayment to Deposit Account No. 03-4075 (Atty. Docket No. SST-1070).

Respectfully submitted,



Charles R. Cypher  
Law Offices of James R. Cypher  
405 14th Street  
Suite 1607  
Oakland, CA 94612

Date: August 6, 2009

Reg. No.: 41,694  
Tel. No.: 510-832-4111  
Fax No.: 510-832-4115  
Customer No.: 498

Attachments: Form PTO/SB/08 (2 pgs), JP 63-039297, Copy of Office Action in 10/705,662,  
Copy of Office Action in 08/975,940